

02-10-04

DAC

#8/dpm
3-4-04
Ret re
Aband.

EXPRESS MAIL CERTIFICATE

RECEIVED

FEB 13 2004

TECHNOLOGY CENTER R3700

"Express Mail" Label No. : EV 216 832 761 US

Serial No. : 09/821,904

Applicant(s) : Dennis A. Beam, III

Filing Date : March 30, 2001

Title: : Wood Chipper Having An Infeed Chute Safety Device

Examiner : Mark Rosenbaum

Group Art Unit : 3725

Type of Document(s) : Express Mail Certificate;
Petition to Withdraw Holding of Abandonment (3 pages);
Change of Correspondence Address Form (PTO/SB/123);
Copy of Postcard returned;
"In" Docket for PTO Record dated 03/17/03-06/21/03 (34 pages);
"In" Docket for PTO Record dated 10/21/03-01/23/04 (45 pages)
Return Postcard

I hereby certify that the documents identified above are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated below and are addressed to Mail Stop For Petition, Commissioner for Patents, P O Box 1450, Alexandria, VA 22313-1450.

Debbie K. Cooke (signature)
Debbie K. Cooke

Date Mailed: February 9, 2004



EV 216 832 761 US
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

FEB 13 2004

TECHNOLOGY CENTER R3700

Application of : Dennis A. Beam, III
Serial No. : 09/821,904
Filed : March 30, 2001
For : Wood Chipper Having An Infeed Chute Safety Device
Examiner : Mark Rosenbaum
Art Unit : 3725

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT
UNDER 37 C.F.R. 1.181(a)**

Dear Sir:

This petition is in view of a review of the undersigned's file for the above-referenced patent application and a search of the USPTO Patent Application Information Retrieval (PAIR) system for this application. The PAIR system indicates that a Notice of Abandonment has been mailed for this application. Applicant respectfully petitions that the holding of abandonment be withdrawn.

According to MPEP § 711.03(c)(II), under *Delgar v. Schulyer*, 172 USPQ 513 (D.D.C. 1971), when presented with an adequately supported petition alleging that an action was never received, the Office may grant a petition to withdraw a holding of abandonment and remail an Office Action. The support required to establish nonreceipt of the Office Action must include a statement from the practitioner stating that the action was not received and attesting to the fact that the file jacket and docket records indicate that the communication was not received. A copy

of the docket record where the nonreceived Office communication would have been entered had it been received and docketed must be attached and referenced in the statement.

In the above-identified application, a first Office Action was mailed on September 19, 2002, and was received by the undersigned. Applicant filed a Response to this Office Action on January 21, 2003. The PAIR system indicates that a final Office Action was mailed on March 19, 2003, and that a Notice of Abandonment was mailed on October 22, 2003.

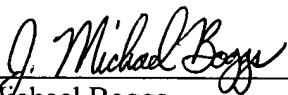
The undersigned practitioner hereby states that the final Office Action and the Notice of Abandonment were not received. The undersigned practitioner attests to the fact that the file jacket and docket records indicate that the final Office Action and the Notice of Abandonment were not received. In support therefor, a copy of the docket record during a three month period for reply to the final Office Action from the March 19, 2003 mailing date through June 19, 2003, where the nonreceived final Office Action would have been entered had it been received and docketed is attached to this petition. In addition, a copy of the docket record during a three month period from the October 22, 2003 mailing date of the Notice of Abandonment through January 22, 2004, where the nonreceived Notice of Abandonment would have been entered had it been received and docketed is attached to this petition. Applicant also notes that a Change of Correspondence Address request to change the correspondence address to that of the undersigned was filed along with the Response to the first Office Action mailed on January 21, 2003. A copy of the Change of Correspondence Address request and stamped return postcard indicating receipt of the same is attached.

Accordingly, Applicant respectfully petitions that the holding of abandonment be withdrawn and that the final Office Action be remailed with a three-month period for reply.

Applicant believes that no petition fee is required, however, please charge Account No. 16-1435 if a fee is due. The Office is respectfully invited to contact J. Michael Boggs at (336) 747-7536, to discuss any matter relating to this application.

Respectfully submitted,

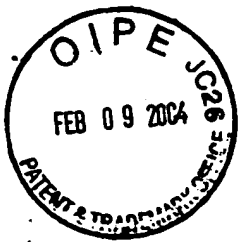
Date: 2/9/04



J. Michael Boggs
Registration No. 46,563

Kilpatrick Stockton LLP
1001 West Fourth Street
Winston-Salem, NC 27101
(336) 747-7536
(336) 734-2632 (facsimile)

51064-255072
WINLIB01:1057049.1



RECEIVED
FEB 13 2004
TECHNOLOGY CENTER R3700

**POSTCARD ACKNOWLEDGEMENT OF RECEIPT OF
PAPERS BY PATENT AND TRADEMARK OFFICE**

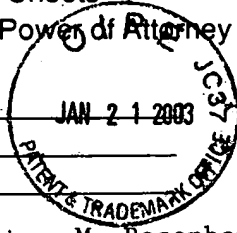
The following papers were received in the U.S. Patent and Trade Office:

Applicant: Dennis A. Beam III

Title of Invention: WOOD CHIPPER HAVING AN INFEED CHUTE SAFETY DEVICE

C/M# 47923-255072 Serial No. 09/821,904 Filed March 30, 2001

- | | |
|--|---|
| <input type="checkbox"/> Specification-No. of Pages | <input checked="" type="checkbox"/> Amendment & Response |
| <input type="checkbox"/> Claims-No. of Claims | <input checked="" type="checkbox"/> Request for Extension of Time |
| <input type="checkbox"/> Drawings-No. of Sheets | <input checked="" type="checkbox"/> Fee: Enclosed \$ 55 ck. 54088 |
| <input type="checkbox"/> Declaration and Power of Attorney | <input checked="" type="checkbox"/> Certificate of Express Mail |
| <input type="checkbox"/> Assignment | No.: EV 032 108 511 US |
| <input type="checkbox"/> Issue Fee \$ | <input checked="" type="checkbox"/> Change of Correspondence |
| <input type="checkbox"/> | Address-Patent |
| <input type="checkbox"/> | |



PTO Attorney/Examiner: M. Rosenbaum

Date Mailed to PTO: 1-21-03